

INCLUSION OF PROTECTION AND ENHANCEMENT OF DELTA VALUES IN ALL DELTA PLAN CHAPTERS, PAPERS AND PROJECTS

Water Code §§ 85054 and 85020(b) both mandate that the “coequal” goals of water supply reliability for California and protecting, restoring and enhancing the Delta ecosystem “*shall* be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.” (Water Code § 85054, second sentence.)

It is the plain meaning of the statute that protecting and enhancing the Delta be accomplished and achieved as an inherent part of meeting the coequal goals.

Stated another way, the law declares that “Delta as Place” values as “inherent” in the coequal goals (Wat. Code § 85020(b)) and must be achieved as a part of water supply reliability for all of California and Delta ecosystem restoration.

The Delta Plan currently discusses water supply reliability in Chapter 3, ecosystem restoration in Chapter 4, and “Delta as Place” in Chapter 5. Other plans use similar organization, or in some cases (such as CA EcoRestore) completely fail to discuss, or plan for, enhancing or protecting the unique Delta values.

By separating out “Delta as Place” discussions and decisions as separate and apart from coequal goal discussions, state regulators, including the Delta Stewardship Council, systematically sideline the plain meaning of California law, and leave as a secondary thought any effort to protect Delta values.

Recommendation:

The Delta Protection Commission should advocate for inclusion of policies and recommendations in all chapters of the Delta Plan to protect and enhance the unique Delta cultural, recreational, and agricultural values of the California Delta as an evolving place.

Reference:

Sec. 85054. “Coequal goals” means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

Sec. 85020. The policy of the State of California is to achieve the following objectives that the Legislature declares are inherent in the coequal goals for management of the Delta:

- (a) Manage the Delta’s water and environmental resources and the water resources of the state over the long term.
- (b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.